



**NATIONAL MEDIATION BOARD**  
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the  
REPRESENTATION OF  
EMPLOYEES  
of  
AVANTAIR, INC.  
Pilots

40 NMB No. 35

CASE NO. R-7352

CERTIFICATION

February 15, 2013

The services of the National Mediation Board (Board) were invoked by the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) on December 3, 2012, to investigate and determine who may represent for the purposes of the Railway Labor Act (RLA), as provided by Section 2, Ninth, thereof, personnel described as "Pilots," employees of Avantair, Inc. (Carrier).

At the time this application was received, these employees were unrepresented.

The Board assigned Investigator Maria-Kate Dowling to investigate.

FINDINGS

The investigation disclosed that a dispute existed among the craft or class of Pilots, and by direction of the Board, the Investigator was instructed to conduct an election to determine the employees' representation choice.

The following is the result of the election as reported by Investigator Dowling.

| <u>Election Results for Pilots</u> |     |
|------------------------------------|-----|
| Eligible Employees                 | 224 |
| Total Valid Votes                  | 172 |
| SMART                              | 133 |
| “No” Votes                         | 34  |
| Write-In:                          | 5   |
| Void Votes                         | 0   |

The Board further finds that: the Carrier and employees in this case are, respectively, a Carrier and employees within the meaning of the RLA, as amended; this Board has jurisdiction over the dispute involved herein; and the interested parties, as well as the Carrier, were given due notice of the Board's investigation.

CERTIFICATION

NOW, THEREFORE, in accordance with Section 2, Ninth, of the RLA, as amended, and based upon its investigation pursuant thereto, the Board certifies that the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) has been duly designated and authorized to represent for the purposes of the RLA, as amended, the craft or class of Pilots, employees of Avantair, Inc., its successors and assigns.

By direction of the NATIONAL MEDIATION BOARD.

*Mary L. Johnson*

Mary L. Johnson  
General Counsel